IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 15TH DECEMBER 2006 / 24TH AGRAHAYANA 1928

RP.No. 364 of 2003(L)

AGAINST THE JUDGEMENT/ORDER IN OP.26789/2001 Dated 24/03/2003
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REVIEW PETITIONER/PETITIONER:

R. SARASWATHY AMMAL, FAIR COPY
SUPERINTENDENT, O/O. THE CONTROLLER OF
STATIONERY, THIRUVANANTHAPURAM.

BY ADV. SRI.P.RAVINDRAN

RESPONDENTS: RESPONDENTS:
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1. **STATE OF KERALA REPRESENTED BY**
   ITS SECRETARY, HIGHER EDUCATION (H)
   DEPARTMENT, GOVERNMENT SECRETARIAT,
   THIRUVANANTHAPURAM.

2. **CONTROLLER OF STATIONERY,**
   THIRUVANANTHAPURAM.

3. **K. PONNAMMA, SENIOR GRADE TYPIST,**
   O/O. THE CONTROLLER OF STATIONERY,
   THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. BENJAMIN PAUL
SRI.G.SASIDHARAN CHEMPAZHANTHIYIL
SRI.PAULY JOSE
SRI.MANOJ RAMASWAMY
SRI.S.VISHNU

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 15 /12 /2006 , THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

R.P.NO.364 of 2003 in O.P.No.26789 of 2001-L

Dated this the 15th day of December, 2006

O R D E R

The petitioner in the original petition is the review petitioner. The original petition was filed by her, challenging Ext.P8. She was originally appointed in Shornur in Palakkad district as L.D.Typist, in the Printing and Stationery Department on 30-9-1977. She was regularised in service by order dated 6-10-1977. Later, by Ext.P3 order she was transferred to Thiruvananthapuram on 7-10-1982. In the seniority list of L.D.Typists, she was assigned seniority as L.D.Typist with effect from 6-10-1977. On the objections filed by the affected parties, the Government by Ext.P6 communication dated 18-4-1993 informed her that she being an inter-district transferee who obtained transfer on her request is eligible to count seniority only with effect from 8-11-1982, the date on which she was transferred to Thiruvananthapuram. This Court by Ext.P7 judgment quashed that order and directed the Government to re-consider the matter. The matter was again re-considered and rejected by Ext.P8. Pursuant to Ext.P8, she was reverted by

Ext.P9 order dated 5-9-2001. The writ petition was filed challenging Exts.P8 and P9. This Court considered the rival claims and held that the view taken by the Government in Ext.P8 cannot be said to be perverse or arbitrary, warranting interference by this Court, under Article 226 of the Constitution of India.

2. This review petition was filed stating that Ext.P9 order produced by her was not the order she intended to produce. The same has been produced as Annexure A1, along with the Review petition. The said order modifies Ext.P8 order as per the amendment. Whether she was transferred on request or not on inter-district transfer she is liable to loose her seniority. According to the petitioner, this Annexure-A1 would indicate that she has not been transferred on her request. So, on that ground the petitioner seeks to review the judgment. Though several grounds were taken in the Review Petition, this was the point mainly urged at the time of hearing. Going by Annexure-A1, which according to the petitioner is correct Ext.P9, I feel that the same will not in any way affect the merits of the case. The Government found that the petitioner was transferred on her request. It being a finding of fact, this Court held that the same cannot be interfered with as the petitioner has failed to show that

the said decision is perverse or arbitrary. Going by the settled principles concerning review, I feel that no ground has been made out warranting review of the judgment. Even in the case of Annexure-A1 I feel that the conclusion of the Government in Ext.P8 is a plausible view on the facts, and therefore, this Court should not interfere with it.

In the result, the Review Petition fails, and it is accordingly, dismissed.

K.BALAKRISHNAN NAIR,JUDGE.

MS